

City of Trinity

Subdivision Ordinance

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ARTICLE I: SHORT TITLE

This ordinance shall be known and may be cited as the Subdivision Ordinance of the City of Trinity, North Carolina.

ARTICLE II: PURPOSE

The purpose of this Ordinance is to promote the public health, safety and general welfare by providing for the orderly subdivision of land in the City of Trinity. Among other reasons, this Ordinance is deemed necessary to (1) assure the appropriate layout and use of land; (2) provide safe, convenient and economic circulation of vehicular traffic; (3) provide for the dedication of reservation of street rights-of-way, utility easements and public facility sites; (4) assure the proper installation of streets and utilities; (5) avoid undue concentrations of population; and (6) insure proper legal description, identification, documentation and recordation of property boundaries.

ARTICLE III: AUTHORITY AND JURISDICTION

Section 3-1 Authority

The enactment of this Ordinance is authorized under provisions pursuant to Chapter 160A-371 of the General Statutes of North Carolina.

Section 3-2 Jurisdiction

This Ordinance shall govern the platting and recording of any subdivision of land lying within the City of Trinity.

ARTICLE IV: LEGAL PROVISIONS

Section 4-1 Application of Ordinance

- (A) This Ordinance is applicable to all divisions of a tract or parcel of land into two or more lots, building sites or other division, for the purpose, whether immediate or future, of sale or building development and shall include all divisions of land involving the dedication of a new street or a change in existing streets.
- (B) No lot or plat (except as provided by Section 2 below) within City of Trinity's subdivision jurisdiction shall be transferred, nor shall a plat or record thereof be recorded by the County Register of Deeds until a final plat of the subdivision has been submitted to and approved by the Planning and Zoning Board or the City Council (Major Subdivisions, Article V, Section 3). Such approval shall be indicated on the face of the plat and signed by the City of Trinity Subdivision Administrator (See Appendix F for certification form).
- (C) The Register of Deeds shall not file a plat or record of subdivision of land within the city's jurisdiction nor shall the Clerk of Superior Court order such recording without the required certification and signature of the Subdivision Administrator.
- (D) The approval of a plat pursuant to this Ordinance shall not be deemed to constitute or affect the acceptance by the City or the public of the dedication of any street or other ground, public utility line or other public facility shown on the plat.

Section 4-2 Exceptions

(A) The following shall not be included nor be subject to the regulations prescribed by this Ordinance:

- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the city as described herein;
- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets;
- (4) The division of a tract in single ownership, the entire area of which is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Subdivision Ordinance; and

(B) Plats not subject to the provisions of this Ordinance may be recorded provided the owner desiring to record such plats shall obtain a Certificate of Exemption (See Appendix F) from the Subdivision Administrator and shall present such certificate to the Register of Deeds Office as proof that one of the conditions of exception noted above is present.

Section 4-3 Approval Required for Building Permit

No building permit shall be used for the erection of any building on any lot within a subdivision unless a final plat of such subdivision has been approved as required by this Ordinance or a certificate of exemption obtained, provided, however, that this shall not apply to any subdivision recorded by the County Register of Deeds prior to August 27, 1997, the first effective date of this Ordinance.

Section 4-4 Variances Due to Site Conditions

Where the subdivider can show that a provision of these requirements would cause unnecessary hardship, if strictly adhered to due to topographical or other conditions peculiar to the site, the Board of Adjustments shall approve a variance when it finds that such variance may be granted without destroying the intent of this Ordinance. Any variance thus approved by the Board of Adjustments shall be noted in the minutes of the meeting at which the variance is granted and such notation shall include the reasons for the variance.

Section 4-5 Penalties for Transferring Lots in Unapproved Subdivision

- (A) Any person who, being the owner or agent of the owner of any land located within the subdivision regulation jurisdiction of the City of Trinity who subdivides such land in violation of this Ordinance or transfers or sells any part of such land by reference to, exhibition of or any other use of a plat showing a subdivision of land before such plat has been properly approved under the provisions of this Ordinance and recorded in the office of the Randolph County Register of Deeds, shall be guilty of a misdemeanor.
- (B) This Ordinance may also be enforced by injunction, order of abatement or other equitable remedy upon application to the General Court of Justice.

- (C) Building permits required pursuant to G.S. 160A-147 may be denied for lots that have been illegally subdivided.

Section 4-6 Subdivision Administrator

The administrator shall be appointed by the Trinity City Manager. The powers and duties of the administrator shall be to implement the provisions of the ordinance with the assistance of the appropriate technical staff. The specific responsibilities of the administrator shall include, but not be limited to, conferring with the subdividers, reviewing plans and plats, coordinating and collaborating with the appropriate experts on the plans and plats, making field investigations of plans and improvements, and presenting plans and plat with findings and recommendations to the Planning Board.

Section 4-7 Conflicting Ordinances

Where another applicable regulation, ordinance or statute imposes more restrictive regulations than those contained in this Ordinance, the more restrictive regulation shall govern.

Section 4-8 Separability

Should any section or provision of this Ordinance be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof which is not itself held void or invalid.

Section 4-9 Effective Date

This Ordinance shall take effect and be in force from and after August 27, 1997, and as subsequently amended by the City of Trinity, North Carolina, City Council.

Section 4-10 Amendment Procedure

This Ordinance may be amended or revised from time to time by the City of Trinity City Council as provided by North Carolina General Statutes, Chapter 153A-323, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the City of Trinity Planning Board for review and recommendation. If the Planning Board fails to provide a recommendation within 45 days of submission to the Council, it shall be deemed to have favorably recommended the amendment.

Section 4-11 State Platting and Disclosure Statement Requirement

All subdividers planning to sell lots not platted and recorded prior to October 1, 1975, are advised to consult N.C. General Statutes 136-102.6 "Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation," which requires that all new streets, whether public or private, and all changes in streets be platted. N.C.G.S. 136-102.6 also requires the subdivider to furnish to each lot purchaser a Subdivision Streets Disclosure Statement revealing the status of new streets, whether they are constructed to N.C. Department of Transportation standards, and who will bear maintenance responsibility for the streets. No provision of the City of Trinity Subdivision Ordinance or of any other local Ordinance shall exempt a division of land from the provisions of N.C.G.S. 136-102.6.

ARTICLE V: PROCEDURE FOR APPROVAL OF PLATS FOR SUBDIVISIONS

Section 5-1 Major Subdivision Definition: A subdivision with four (4) or more lots created for the purpose of sale or building development or a subdivision that requires the creation of a new public or private street.

Section 5-2 Sketch Plan, Major Subdivision

The developer shall prepare a sketch plan to show general plans for the subdivision. No specific size or scale is required for the sketch plan. The sketch plan should contain:

- (1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts and roads;
- (2) Boundaries of the tract and portion to be subdivided;
- (3) Total acres to be subdivided;
- (4) Proposed general street and lot layout;
- (5) Zoning classification of tract and adjacent properties; and
- (6) Name, address and telephone number of owner.

The Planning Board will review the sketch plan and recommend changes, if necessary, prior to the development of a preliminary plat.

Section 5-3 Preliminary Plat, Major Subdivisions

- (A) Submission Requirements. A preliminary plat of a proposed major subdivision shall be prepared by the developer. Specifications for preliminary plats are contained in Appendix A.

Twelve copies of the preliminary plat, along with proposed deed restrictions, shall be submitted to the City of Trinity at least 20 days before the Planning Board meeting at which it is to be considered.

The Administrator shall seek comments from various agencies or departments that may include, but not limited to municipal police, fire, public works department, as well as Randolph County Board of Health, Board of Education, The North Carolina Department of Transportation and any other appropriate departments.

The Subdivision Administrator shall also notify in writing all adjoining property owners of the submission of a preliminary plat. Such notice shall state the date of the Planning Board meeting when the preliminary plat will be considered and shall be mailed in sufficient time to provide adequate notice.

- (B) Planning Board Action. Following a review of the preliminary plat and other submitted materials and, if necessary, a conference with the subdivider regarding changes deemed advisable and the kind and extent of improvements to be made by him, the Planning Board shall act on the plat as submitted or modified, and if approved, the Planning Board shall state the condition of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefore.

Decisions on approval or denial of a preliminary plat may be made only on the basis of standards explicitly set forth in the subdivision ordinance or zoning ordinance.

The decision of the Planning and Zoning Board is subject to appeal to the City Council, in writing within 30 days, which must act on any appeal within sixty (60) days.

Section 5-4 Final Plat, Major Subdivisions

- (A) Submission Requirements. When the requirements of this Ordinance have been satisfied, the subdivider shall submit twelve copies of the final subdivision plat and any deed restriction

applying thereto to the City of Trinity for the City Council to determine that the final plat conforms to the requirements of this Ordinance. Twelve copies of the final plat shall be submitted no less than fourteen days before the City Council meeting at which the plat is to be reviewed.

Decisions or approval or denial of final plats may be made only on the basis of standards explicitly set forth in the subdivision or zoning ordinance.

- (B) Improvements and Certificates. No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in this Ordinance and all certificates required for final plats by this Ordinance or approvals by state law have been properly completed and signed.
- (C) Recordation. The approval of the final plat by the City Council shall be on condition that such plat is recorded in the Office of Register of Deeds within 60 days after approval.

Section 5-5 Minor Subdivisions Definition:

A subdivision of three (3) or fewer lots created for the purpose of sale or building development with all lots having access to an existing state or City maintained road.

Section 5-6 Minor Subdivisions:

The developer of a minor subdivision may apply for final approval of any minor subdivision through the procedures set forth in this section.

- (A) Submission Requirements. Two copies of a plat, prepared according to specifications in Appendix C shall be presented to the Subdivision Administrator for all minor subdivisions.

Plats for minor subdivisions must be accompanied by a certificate of survey and accuracy as specified in Appendix F-6 by a registered land surveyor or professional engineer licensed and registered to practice in North Carolina.

- (B) Review Procedure. The administrator shall review each minor subdivision and shall find that it either does or does not meet the requirements of this Ordinance. Based on these findings, the administrator shall approve, disapprove or approve conditionally the proposed minor subdivision within sixty (60) days of its submission. The decision of the administrator is subject to appeal by the subdivider to the Board of Adjustments, which must act on any appeal within sixty (60) days.
- (C) Certificate of Approval for Recording. If the administrator approves the proposed minor subdivision, a certificate of approval for recording, Appendix F-2, shall show such approval.

ARTICLE VI: GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

Section 6-1 General

Land shall be subdivided in accordance with good land planning practices, including adequate consideration of a natural topography and drainage features and type of development proposed.

Section 6-2 Compliance with Official Plans and Ordinances

Land shall be subdivided in compliance with the City of Trinity Zoning Ordinance and other pertinent official development plans and ordinances. In addition, where land lies within the area of a public water supply reservoir, so designated by a Governmental authority, subdivider of such land shall be required to

give notice on the face of the final subdivision plat that land within the subdivision lies within a designated public water supply reservoir area and may be the subject of future public purchase. (See Appendix F-5 for Certificate of Disclosure of Public Purchase.)

Section 6-3 Road Frontage

All lots in a subdivision must front on a public paved road, unless a private road is specifically provided for in Section 6-5 of this Article. There shall be no reserve strips controlling access to streets except where cause can be shown that such control would best serve the purpose of this Ordinance.

Section 6-4 Streets and Roads

- (A) The design of all public streets and roads within the City of Trinity shall conform to the minimum standards set forth in the most recent edition of "Minimum Construction Standards for Subdivision Road" as published by the N.C. Department of Transportation, Division of Highways.
- (B) Disclosure and approval by the Division of Highways shall comply with G.S. 136-102.6.
- (C) All streets shall be named and signs conforming to Randolph County and City standards shall be posted at intersections showing the name of every street. New streets, which are obviously in alignment with others already named and existing, shall bear the names of the existing streets. In no case shall the names of new streets phonetically resemble existing street names.
- (D) Subdivision Names. All subdivisions requiring the development of new public roads must be named. A sign clearly indicating the name of the subdivision shall be posted at each entrance to the subdivision.
- (E) Access to Adjoining Property. Means of ingress and egress for adjoining properties within the subdivision shall be provided.
- (F) Cul-de-Sacs. Cul-de-sacs or other dead end streets designed to be permanently closed shall be provided at the closed end with sufficient right-of-way for vehicular turnarounds. Circular rights-of-way at the closed end shall have a minimum radius of fifty (50) feet and the surfacing shall have a minimum radius of thirty-five (35) feet.

Section 6-5 Private Roads

- (A) Private roads or drives shall be permitted only in the following circumstances:
 - (1) Developments which by the nature of their design could not occur if required to meet DOT subdivision road standards, as for example residential developments under unified or homeowner association control (mobile home parks, apartment complexes, attached housing, PUDS, etc.) and commercial or industrial development under unified control.
 - (2) Division of land into tracts that are five acres or greater in size.
 - (3) In subdivisions in which a new street provides access to two or fewer lots provided that the new street connects directly to a public street currently accepted and maintained by the N.C. DOT or the City of Trinity, and further provided that the new street is no longer in length than 0.2 miles.
- (B) Future resubdivision of lots served by private roads in subdivisions approved after August 21, 1997, into smaller tracts shall not be permitted unless plans for upgrading the private road to a public street are approved by the N.C. Division of Highways and until said roads are built

according to approved plans or proper assurance of completion is accepted by the Trinity City Council. This requirement shall be stated on the recorded plat.

(C) Where permitted, private roads may be constructed in compliance with the following conditions:

(1) The developer shall sign a certificate attesting to the fact that an instrument will be recorded with the final plat which guarantees:

(a) a right of access by all lots served by the private road; and

(b) a full disclosure of the state of the road and specific road maintenance responsibilities (as required by G.S. 136-102.6) and that these listed items shall run with the land. (A maintenance agreement shall have been previously agreed to by the City of Trinity Council and the City Attorney).

(D) All developers who incorporate private roads into their subdivisions will be required to present plans to the City of Trinity City Council for review.

(E) Design standards for private roads are listed in Appendix D.

Section 6-6 Sidewalks

A sidewalk with a minimum width of four (4) feet shall be installed within the right-of-way. New sidewalks must adjoin existing sidewalks on adjacent property. Access for handicapped persons must be provided to side walk facilities at appropriate locations, including street intersections.

Sidewalks shall be required for all new major subdivisions in the following zoning districts. Subdivisions of twenty five (25) lots or less shall be excluded from this section of the ordinance.

R-12 (Residential) – Sidewalks shall be installed on both sides of the street in all new major subdivisions.

RM (Residential Mixed) - Sidewalks shall be installed on both sides of the street in all new major subdivisions.

Section 6-7 Curb and Gutter

Curbs and gutters are mandatory in all newly platted major subdivisions. A professional engineer shall present documentation to the Planning Board depicting the type and size of storm drainage to be used. Curbs and gutters are mandatory in industrial park development.

Section 6-8 Blocks

Blocks shall be laid out with due consideration given to traffic circulation patterns and contemplated use.

(A) Length. Blocks shall be not less than 400 or more than 1,600 feet in length, except as considered necessary to secure efficient use of land or desired features of street pattern by the Council. In blocks over 800 feet in length one or more crosswalks not less than ten (10) feet in width extending entirely across the street may be required at locations deemed necessary by the Council.

(B) Widths. Blocks shall be wide enough to allow two tiers of lots of minimum depth, (reference Table of Area and Yard Requirements, Zoning Ordinance), except where fronting on major streets or prevented by topographic conditions, in which case a single tier of lots may be approved.

Section 6-9 Lots

Lots shall be designed in shape, size and location with due regard to topographic conditions, features of the surrounding area, contemplated use and official plans and ordinances.

- (A) Marginal Land. Land subject to flooding or land which may aggravate the flood hazard or increase danger to life or property if developed, and land uninhabitable for other reasons, shall not be considered platted for occupancy and shall not be used in determining the minimum lot area or maximum lot depth.
- (B) Frontage on a Public Street. Every lot shall front or abut a public street (except where private roads are permitted) and shall have a minimum frontage as required by the dimensional requirements for each zoning district.
- (C) Double and Reverse Frontage. Double frontage and reverse frontage lots shall be avoided, except where required in unusual circumstances specifically approved by the City Council in the preliminary plat.
- (D) Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- (E) Area and Dimensions of Lots. All lots shall conform to the minimal dimensional requirements for each zoning district as prescribed in the Table of Area and Yard Requirements of the City of Trinity Zoning Ordinance. In summary, the following minimum area and dimensional requirements shall be met:

DISTRICT	AREA	WIDTH AT BUILDING LINE
RA District	40,000 square feet	100 feet
R-40 District	40,000 square feet	100 feet
R-20 District	20,000 square feet	80 feet
R-12 (3 units/acre)	12,000 square feet	75 feet
RM District (3 units/acre)	12,000 square feet	100 feet

Section 6-10 Water and Sewer Facilities

New subdivisions shall connect to the City of Trinity municipal sewer system according to the guidelines established by the City of Trinity and public water system according to the City of Trinity and Davidson Water, Inc., the plans for both of which must be submitted to and approved by the appropriate state agencies. In areas where public water and/or sewer are not available, the subdivider shall install private systems that have been approved by the appropriate County or State agency

- (A) Where public water and sewer facilities are not available and individual water supplies or individual sewage disposal systems are planned, the subdivider, at his own expense, shall have the site investigated by the Randolph County Health Department or other authorized, qualified,

individual, firm or agency, to determine whether or not such individual facilities are feasible and shall present proof to the Subdivision Administrator that appropriate soil tests have been conducted and that each lot in the subdivision not served by public water or sewage disposal systems has been approved by the Randolph County Health Department for individual water supplies and/or sewage disposal systems. The site investigation for sewage disposal shall include sufficient number of percolation tests. The number of percolation tests required and the depth of test holes shall be determined by the County Sanitarian.

- (B) Where individual septic tank systems are planned, minimum lot sizes specified in this Ordinance may need to be increased as required by the results of percolation tests and subsoil investigation.
- (C) Water supply and sewage facilities shall comply with applicable state and county health and environmental laws and regulations. (See Appendix E for water and waste disposal approval requirements).
- (D) **Building Lines.** On residential lots the minimum depth of the front building line from the front property line shall be 35 feet. This depth shall be increased on recommendation of the County Health Department, if necessary for the installation of an individual sewage disposal system on the front of a lot. On double frontage lots, the minimum depth of the rear building line from the rear property lines from the side property line of the side street shall be 15 feet. On lake front lots (other than those located in designated Water Critical Areas surrounding water supply lakes) there shall be a lake building line consisting of a line located across the lot parallel to and 25 feet from the official pond level measured along the natural ground surface and in no case shall a building be located below a contour line which shall be three feet above normal pond level.

Section 6-11 Open/Recreation Areas

Recreation and Open Space Dedication: In an effort to provide recreation and open space, a dedication of open or recreation space will be required for all development in Multifamily and Mixed Residential districts. The land dedication must meet the following requirements;

- (a) The land should be usable for active recreation facilities and/or open space.
- (b) If land is not dedicated to the City or fee in lieu is not accepted a homeowners association must be created to own and maintain open and recreation space

Table 12-5 Open Space Requirements	
District	Open Space
<u>RA Residential Agricultural</u> Single Family Two Family	Na
<u>R-40 Residential</u> Single-Family Two-Family	Na
<u>R-20 Residential</u> Single-Family	Na

<u>R-12 Residential</u> Single-Family	1/60 acre per unit
<u>Multi-Family Residential</u> Two Family Multi-Family (Special Use) Apartments, Condominiums Townhouses, PUDs	1/135 acre per unit
<u>RM Mixed Residential</u> Single Family Two Family Multi Family (Special use)	1/60 acre per unit

Procedure for Approval

- (a) The dedication of land to the city and or payment of such fees in lieu of land dedication shall be reviewed and approved by City Council after submission of a sketch plat. Any subdivider or developer wishing to make such dedication or payment shall attach to the application for sketch approval a letter requesting the dedication or payment of fees in lieu of land dedication.
- (b) A dedication of land may also be made to a nonprofit land conservancy in the form of a dedication or conservation easement. Documentation of such dedication must be presented before the approval of a final plat.
- (c) A homeowners association or property management company must accept responsibility of any open/recreation land not dedicated. A guarantee for ownership and maintenance must be established prior to issuance of a zoning permit.

Fee in Lieu of Dedication:

Any Subdivider required to dedicate recreation/open space area pursuant to this Ordinance may, with the approval of the City Council, make a payment in lieu of dedication.

A combination of partial payment and partial dedication of land shall be permitted if the City Council determines that a combination is in the best interest of the City.

Time of Payment: The fees in lieu of dedication shall be paid prior to issuance of a zoning permit for which the fees relate.

Amount of Payment

- (1) The number of acres to be dedicated, as required above, multiplied by the value of property to be divided
- (2) Property value is based on county tax records for the undeveloped property.

Use of Funds: All monies received by the City pursuant to this section shall be used only for the acquisition or development of parks, greenways, open space sites, and related facilities.

Section 6-12 Oversized Improvements

The City of Trinity may require the installation of certain oversized facilities such as water and sewer mains or oversized sewer pumping stations where it is in the interest of future development.

Section 6-13 Street Lights

All public streets, sidewalks, and other common areas or facilities in subdivisions shall be sufficiently illuminated to ensure the security of property and the safety of person using such streets, sidewalks, and other common areas or facilities. Streetlights are to be installed by the developer in accordance with the Trinity Street light Policy. A street lighting plan will be submitted with the preliminary plat.

Section 6-14 Easements

To provide for public service poles, wires, conduits, storm or sanitary sewers, storm drainage channels, surface overflow, gas, water or heat mains, or other utilities, easements maybe required. When necessary such easements shall be reviewed by the City engineer.

Section 6-15 Recreation Areas and Site for Public Facilities Open Space

Where a school site is shown on a publicly approved plan, which plan shall have been recorded with the Register of Deeds and requested by the local Board of Education, such site shall either be dedicated for the public purposes at the option of the property owner or reserved for acquisition by the appropriate public body for a period not exceeding 18 months from the date of approval of the preliminary subdivision plan.

Section 6-16 Water Courses

If there is any water course or dry branch of any type running through or within 150 feet of the property proposed for subdivision, the prospective subdivider shall furnish reasonable evidence to the Planning and Zoning Administrator that residential lots within the subdivision will not be flooded. Lots located entirely in the flood plain shall not be sold for residential purposes. Lots partially located within a flood plain shall provide adequate space for a primary structure and any accessory structures outside of the floodplain. Under no circumstances should lots be sold for construction that are entirely within a floodplain. All structures must also conform to the Floodplain Ordinance of the City of Trinity.

Section 6-17 Buffer Strips – Streams

A subdivision including within its boundaries a perennial stream shall provide for a 50-foot buffer of vegetation on both sides of the stream to retard rapid water runoff and soil erosion. Perennial streams are identified as the solid blue lines on United States Geological Survey Maps.

Streets, roadways, railroads and driveways are permitted in the stream buffer, but shall be constructed to cross the buffer as near to perpendicular as possible. Utility lines, greenways and greenway type recreation facilities are permitted within the buffer but shall be designed to have minimal impact. If the vegetative cover must be removed or disturbed, it shall be restored as soon as possible.

The 50-foot buffer shall be measured on a horizontal plane from the bank of the stream. The buffer zone may be included in calculating the lot size.

Section 6-18 Cluster Development

Cluster development is a variation of exception to the lot size requirements specified in the city ordinance. If approved, the subdivider can cluster or group dwelling units on part of the tract and allow the remaining part of the lot to remain in open space. This is strictly a method of transferring density.

1. Plat: any proposed cluster project shall have a preliminary and final plat approved by Planning and Zoning Board and City Council.

2. Site Plan: Any proposed project shall have a site plan that conforms to the requirements of the subdivision ordinance.
3. Maximum Number of Lots: The maximum number of lots that may be created in a cluster development shall be computed as follows
 - a. From the gross area of land to be developed, subtract the amount of land devoted to roadways
 - b. Divide the remainder by the minimum lot area requirement for single-family dwellings of the zoning district where the development is located.

The result is the maximum number of lots that may be created in the development ordinance.

Minimum Standards for Lots

A cluster development with approved water and sewer utility systems shall be exempt from the minimum lot sizes specified in the zoning ordinance; however, in no case shall the lot size be less than sixty percent of the minimum zoning lot size. All other dimensional requirements such as front, side, and rear set back shall apply.

Open Space Standards

All open space not used for development shall be designated for parks or open space. Such parks or open space shall be deeded to a nonprofit land conservancy, a home owners association, or to the City of Trinity. The City Council has the option to refuse or accept any land as it deems fit.

Access to Open Space

All lots created within the development shall have direct access to all parks or open space as provided by means of public streets, dedicated walkways, fact of physical contiguity, other public lands, or lands in ownership by all residents.

Section 6-19 Planned Unit Developments

The foregoing requirements of this Article applicable to conventional subdivisions may be modified in the case of planned unit developments (PUDS) and planned business developments. Requirements and the review process for PUDS and planned business developments are specified in the Special Use Permit provisions of the City of Trinity Zoning Ordinance. The Special Use Permit procedure may be combined with the preliminary plat process required by this Ordinance. A developer planning either of these types of development may therefore prepare all information and plans as required by the Zoning Ordinance along with any deed restrictions and present twelve copies of the information to the City at least four weeks before the Planning and Zoning meeting at which the Special Use request is to be heard. When a Special Use Permit is granted, the preliminary plat requirements of this Ordinance shall be satisfied.

When improvements have been completed in conformance with this Ordinance and the Special Use requirements, the developer shall submit twelve copies of the final plat and any deed restrictions to the City Council for review and recordation of a final plat as specified in Article V, Section 4 of this Ordinance. All applicable certifications shall be required.

Section 6-20 Mobile Home Subdivisions

Mobile home subdivisions shall comply in all respects to the requirements of this Ordinance and of the Manufactured Home Overlay District provided in the City of Trinity Zoning Ordinance.

ARTICLE VII: Improvements Required Prior to Approval of Final Plats

Section 7-1 Installation of Improvements

No subdivision plats shall be granted final approval until the required improvements have been made in accordance with the provisions of this Ordinance.

Section 7-2 Guarantee of Improvements

Guarantee of Improvements. Grading and base construction for streets must be installed prior to submission of the plat for final approval. Where other required improvements have not been completed, the approval of said plat shall be subject to the subdivider's guaranteeing the installation of said improvements in one of the following methods:

- (A) Cash or certified check.
- (B) Performance or surety bond executed by a company duly licensed to do business in the State of North Carolina.
- (C) Irrevocable letter of credit

Section 7-3 Submission Requirements

Data demonstrating compliance with the improvement requirements must be prepared and submitted along with the final plat for the meeting of the City Council at which final approval is sought. Twelve copies of the final plat and all plans, profiles, specifications and other required information should be required. Specifications for final plats are listed in Appendix B.

Section 7-4 Required Improvements

The following improvements requirements shall be fulfilled or guaranteed before a final plat shall be approved by the City Council for recording:

- (A) Public Streets. Streets and all associated improvements, to include storm drains, grading, base and paving, shall be constructed by the subdivider in accordance with the specifications and standards of the N.C. Department of Transportation, Division of Highways and shall be approved by the City.
- (B) Private Streets. Private streets or drives shall be permitted only in the situations described in Article VI, Section 5. The word private shall be clearly stamped on the final plat and this shall be recorded with all conveyances along with road maintenance provisions. Design standards for private roads are noted in Appendix D.
- (C) Monuments. Permanent concrete monuments four (4) inches in diameter or square, three (3) feet long, shall be placed at not less than two (2) corners of the subdivision, provided that additional monuments shall be placed where necessary to that no point within the subdivision

lies more than five hundred (500) feet from a monument. Two or more of the required monuments shall be designated as control corners. The top of each monument shall have an indented cross, metal pin or metal plate to identify properly the location of the point. All monuments shall be shown on the final plat.

- (D) Utilities. The subdivider shall install public water mains and sanitary sewers where existing public utilities are available. In other areas the subdivider shall install either individual private lot or private community water and/or sewer systems. If such installation is made, the subdivider shall comply with all rules and regulations prescribed for private and/or community water supply and waste disposal by the North Carolina Department of Human Resources, the North Carolina Department of Natural Resources and Community Development, the Randolph County Health Department, and the Sewer Use Ordinance of the City of Trinity and with all regulations and construction specifications of any municipality to whose utility system such water mains and/or sanitary sewers may eventually be connected.

Electrical utilities and communication lines shall be installed with arrangements made by the subdivider with the utility company or cooperative authorized to serve the area of the subdivision. Installation shall be in keeping with the latest accepted design standards and procedures along lot lines.

Utilities, which encroach upon the State Highway system, shall require an Encroachment Contract executed by the person or firm responsible for maintenance.

- (E) Water Supply and Sewage Disposal on Individual Lots When Public Water and Sewer are Unavailable. The size, location, soil conditions and drainage of all lots in the subdivision shall be approved by the Randolph County Health Department relative to individual water supply and sewage disposal systems. Water supply and waste treatment approval requirements are noted in Appendix E.
- (F) Erosion Control. The subdivider shall mulch, seed, sod or otherwise protect all grading, excavations, open cuts, side slopes and other land surface disturbances.

It is also the subdivider's responsibility to comply with the North Carolina Sedimentation and Pollution Control Act and the City of Trinity Stormwater Management Policies. The developer is to contact the N.C. Department of Natural Resources and Community Development, Land Quality Section, which agency provides technical assistance and enforcement of the Sedimentation and Pollution Control Act.

- (G) Removal of Rubbish. The subdivider shall remove all cut or fallen trees, stumps or rubbish from the subdivision.

Section 7-5 Procedures for Dedication of Subdivision Development

- (a) Punch list – near completion of the subdivision development, a punch list will be provided to the owner detailing the deficiencies needing completion.
- (b) Final plat – The owner will submit a final plat, deed of dedication and maintenance agreement to the Planning & Zoning Administrator at the completion of the punch list.
- (c) Final inspection – After receiving the Final Plat, Deed of Dedication and Maintenance Agreement, the City of Trinity's Planning & Zoning Department's designated representative will conduct a final inspection. If there are no deficiencies, the Final Plat is approved by the Planning & Zoning Administrator and it is added to the Council agenda for approval. Once the final plat is approved by Council, a separate agenda item is initiated to approve the Deed

of Dedication and the Maintenance Agreement. Once the Council approves the Final Plat, permission is granted to begin residential home construction and a building permit can be issued.

Appendix A

The preliminary plat shall be submitted 3 (three copies) on 24" x 36" sheets drawn to a scale of not less than 50 feet to the inch and shall contain the following information:

(A) Title Data

- (1) Date of survey, date plan drawn, and revision dates as applicable.
- (2) Name, address and telephone number of Owner(s)
- (3) Name, address and telephone number of Developer, if different from Owner
- (4) Name of subdivision (Subdivision names shall not duplicate or approximate, phonetically, existing subdivision names.)
- (5) Location designation (township, county, state)
- (6) Location map (no less than 1" = 2000') showing the property and its relationship to the surrounding area
- (7) Seal and signature of a licensed engineer or surveyor, with name, address and telephone number of the preparer.
- (8) Scale in figures and bar graph
- (9) North arrow and orientation. Sheets will not be accepted with North facing toward the bottom of the sheet.
- (10) "Preliminary Plan" notation
- (11) Proposed use of property to be subdivided
- (12) Tax parcel number

(B) Existing Conditions (on property to be subdivided and within 500 feet of property being subdivided)

- (1) Source of datum, and location of benchmark(s) at the site
- (2) Existing street rights-of-way, width of pavement and names
- (3) Location and size of any existing private or public utilities including water sewer, electrical, phone gas and cable facilities
- (4) Location and size of existing bridges, culverts and other storm drainage facilities
- (5) Location, width and purpose of all existing easements
- (6) Bearings and distances of property boundary with, accurate reference to control points defined by state plane coordinates where required by the "Standards of Practice for Land Surveying in North Carolina".
- (7) Surrounding property lines, property owners and subdivisions
- (8) Boundaries and identification of political subdivisions, where applicable
- (9) Zoning classification of property to be subdivided and zoning of all adjacent parcels with owner(s) name(s)
- (10) Existing buildings
- (11) Topography including water courses and wooded areas
- (12) Existing elevations referenced to mean sea level, with a contour interval of two feet, accurate to one-half contour to indicate surface drainage patterns.
- (13) Location, extent and identification of flood plain, watershed, water critical area or other restricted land
- (14) Driveways and roads (in use or abandoned) leading to other property
- (15) Location of any known gravesites or cemeteries located on the property
- (16) Delineation of any stream and/or wetland areas under the jurisdiction of the US Army Corps of Engineers and/or the North Carolina Department of Environment and Natural Resources.
- (17) Other natural or manmade conditions affecting site development

(C) Proposed Plans (proposed features shall be shown heavily lined)

- (1) Proposed street alignments, rights-of-way, names
- (2) Detail plan of all entrances, driveways, roadways, etc. that connect to existing roads (Connection to State roads requires permits from NCDOT)
- (3) Proposed private or public utilities, including water and sewer sizes, materials with locations of proposed tie-ins noted.
- (4) Proposed location and sizes of water lines, services, hydrants, water meters, and backflow devices.
- (5) Locations, size and material of proposed sewer mains, force mains, manholes, service lines and clean-outs, and sewerage lift stations.
- (6) Location and size of proposed bridges, culverts and other storms drainage facilities
- (7) Location, width and purpose of all proposed easements (15' easement required centered over water line; 20' easement required centered over sewer line)
- (8) Plan and profile of proposed sanitary and storm sewers (scale no less than 1" = 100' horizontally, 1" = 10' vertically); elevations based on mean sea level.
- (9) Lines, numbers and approximate dimensions of proposed lots and blocks
- (10) Proposed buildings with finished floor elevations shown (must be 2' above established 100-yr floodplain if applicable)
- (11) Soil erosion and sediment control plan (NCDENR permit required for any site over 1.0 acres).
- (12) Minimum building setback lines (front, side and rear)
- (13) Public use sites
- (14) Location of stop signs (and other traffic control devices as required)
- (15) Two copies of pipe sizing, detention/retention sizing and other calculations required for review of plan
- (16) A 24-hour local contact person
- (17) Site data:
 - (a) Acreage of property to be subdivided
 - (b) Acreage of public use sites
 - (c) Number of lots
 - (d) Average lot size
 - (e) Square feet of each irregularly shaped lot
 - (f) Lineal feet of streets
- (18) A list of restrictive covenants (deed restrictions) to be applied to any or all lots in the subdivision
- (19) Following approval of the construction plans, provide ___ copies of the subdivision layout or site plan only, and 4 copies of complete construction plans. One set will be returned as "Approved".
- (20) Notes:
 - (a) "Contractor shall contact the Planning & Zoning Administrator (336-431-2841) at least 48 hours prior to starting work on the project."
 - (b) "All construction within state right-of-way shall conform to North Carolina Department of Transportation specifications."
 - (c) "Approval by City of Trinity is for the improvements shown in the Site Plan. Any variation from the approved Site Plan must be approved by the Planning & Zoning Administrator."
 - (d) "A preconstruction conference shall be held with the Planning & Zoning Administrator and his designated representative prior to beginning construction."
 - (e) "The cost of inspection by the City of Trinity before or after the normal working hours, on Saturdays, Sundays or Legal Holidays, shall be paid for by the individual requesting the inspection at a rate of 1 ½ times the regular salary per hour of the inspector. Approval of the inspection outside normal working hours shall be obtained from the Planning & Zoning Administrator 48 hours in advance. Prior to commencement of work requiring inspection outside of normal working hours, the individual requesting the inspection

shall sign a form, furnished by the Planning Department, agreeing to pay the overtime. The individual requesting the inspection will be billed by the Planning Department for payment.”

In addition twelve (12) copies of the site plan shall be submitted showing zoning information (non utility information) for review by the Planning and Zoning Board.

Engineers/Developers/Owners submitting plans that include water line design for approval shall comply with the submittal requirements set forth in Davidson Water, Inc.’s Subdivision Specifications. Plans must receive approval from Davidson Water, Inc. prior to approval by City of Trinity.

Where the preliminary plat submitted covers only a part of the subdivider’s tract, a sketch shall be submitted showing the prospective future street system and other features for ultimate development of the entire tract.

Appendix B

Specification for Final Plat

The final plat (twelve copies, one mylar) shall be submitted on 18” x 24” sheets to a scale of not less than 50 feet to the inch. The plat shall be submitted no less than fourteen days prior to the City Council meeting at which the plat is to be considered. If more than two sheets are required an index sheet of the same dimensions shall be provided. The final plat shall contain the following information:

(A) Title Data

- (1) Date of submission
- (2) Name and address of owner(s)
- (3) Name of subdivision
- (4) Location designation (township, county, school district, state)
- (5) Name and address of engineer or surveyor
- (6) Scale in figures and bar graph
- (7) North arrow
- (8) “Final Plat” notation

(9) Certificates (Reference Appendix F)

(B) Surrounding Properties Information

- (1) Property lines, property owners and subdivisions
- (2) Rights-of-way, easements, reservations and public use sites located and identified

(C) Property Being Subdivided

- (1) Street rights-of-way, widths of pavements and names of streets as posted on site
- (2) Property boundary lines including bearings and distances as determined by survey
- (3) Block and lot line with dimensions, block and lot numbers
- (4) Minimum building setback lines
- (5) Identification and dimensions of easements, reservations and dedicated area
- (6) Location, extend and identification of flood plain, watershed, water critical area or other restricted land
- (7) Sufficient data of monuments and markers to determine readily and reproduce on the ground, the location, bearing and length of all the above items
- (8) A list of restrictive covenants (deed restrictions) to be applied to any or all lots in the subdivision

Appendix C

Specifications for Minor Subdivision Plat

Two copies of a minor subdivision plat shall be submitted on 18" x 24" sheets to a scale of not less than 200 feet to the inch. The following information shall be included:

- (A) Date of submission
- (B) Name and address of owners
- (C) Location designation (township, county, zoning district)
- (D) Name and address of surveyor
- (E) Scale
- (F) North arrow
- (G) Property lines, property owners and subdivisions of surrounding property owners
- (H) Surveyed lots with all dimensions, easements, reservations, etc.
- (I) Sufficient data of monuments and markers to determine readily and reproduce on the ground the location, bearing and length of all above items.

Appendix D

Design Standards for Private Streets

- (A) Private streets or roads (except as noted in B and C below) shall be constructed to the North Carolina Department of Transportation, Division of Highways minimum standards.

The most recent edition of the pamphlet “Subdivision Roads, Minimum Construction Standards” can be used as a guide with the following exceptions:

- (1) The roads will not have to be paved, or
- (2) The base can be reduced to four (4) inches of stabilized material

All roads shall have a minimum of 45 feet right-of-way with a minimum of 4 inches of stabilized material.

- (B) Private roads in subdivisions under unified control (e.g. homeowners association), such as Planned Unit Developments or Cluster Developments shall be paved according to State Department of Transportation specifications. However, a registered engineer may reduce the pavement and right-of-way width from DOT standards upon submission to the City Council of roadway, shoulder and ditch design specifications.
- (C) Private roads in subdivisions of five-acre tracts or greater are not required to meet North Carolina Department of Transportation minimum construction standards. However, private roads in such subdivisions shall have a minimum right-of-way width of 45 feet and shall be graveled with a minimum of four (4) inches of gravel.
- (D) The developer shall comply with all applicable provisions of G.S. 136-102.6 relative to subdivision street disclosure information.

Appendix E

Approval of Water Supply and Waste Treatment Systems

(A) Water Supply Systems – In areas where public water is not available

- (1) Water supply systems planned to serve 15 or more connections or at least 25 permanent residents are classified as community public water supplies by the State of North Carolina. Plans and specifications for such systems must be prepared by a professional engineer registered in North Carolina and submitted to the City of Trinity and the Public Water Supply Branch, (Regional Office) Department of Human Resources for approval.
- (2) Water supply systems planned to serve 14 or fewer connections or less than 25 permanent residents are regulated by the Randolph County Health Department. Plans and specifications must be submitted to the City of Trinity and the County Health Department for approval.
- (3) Individual water supplies (wells) are regulated by the Randolph County Health Department and should be located, constructed and operated in accordance with county and state regulations administered through the county Health Department.

(B) Waste Treatment – In areas where the extension of public sewer is cost prohibitive (as determined by the City of Trinity)

Plans for waste treatment must first be presented to the City of Trinity and the Randolph County Health Department. Whenever possible non-discharging septic tanks will be required with location, lot size and installation regulated by the county Health Department. If septic treatment (or hook-up to a municipal sewer system) is not possible, a letter must be obtained from the county health department to this effect. Thereafter, the developer may apply to the Division of Environmental Management, (Regional Office) Department of Natural Resources and Community Development for a permit to install a community sewer system. The number of hook-ups approved for treatment and the level of treatment required is regulated by the permit process of the Division of Environmental Management.

All private sewage treatment plants are required to be enclosed with a chain-link fence a minimum of 7 feet in height and locked when the plant is unattended. This requirement is applicable to all existing and new private sewage treatment plants.

Appendix F

Required Certifications

(1) Certificate of Exemption (Subdivision not Subject to Regulations of this Ordinance)

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book _____, Page _____ and that the subdivision of the property shown on this plat is an exception to the Subdivision Ordinance of the City of Trinity, North Carolina under Article V, Section 2.

Owner(s)

Date

Subdivision Administrator

Date

(2) Certificate of Approval for Recording, Minor Subdivision

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for the City of Trinity, North Carolina, and that such plat has been approved according to the procedures for approval of minor subdivisions.

Date

Subdivision Administrator

(3) Certificate of Disclosure, Private Roads

I (we), the developer(s) of _____ Subdivision hereby state that the subdivision roads, in _____ Subdivision are private roads, ownership and maintenance of the private roads is the responsibility of _____. Right of access to private roads within said subdivision is guaranteed to all lots served by such roads. I (we), as the developers, further state that all ownership and maintenance agreements for the private roads have been approved by the City of Trinity City Attorney and the City of Trinity City Council.

Developer

Date

Developer

Date

Attest: _____
City of Trinity City Clerk

(4) Certificate of Ownership and Dedication

I hereby certify that I (we) am (are) the owner(s) of the property shown and described hereon, which is located in the subdivision jurisdiction of the City of Trinity and that I hereby adopt this plan of subdivision with my (our) free consent, establish minimum building setback lines and dedicate all streets, alleys, walks, sewer lines, water lines, parks and other sites and easements to public or private use as noted.

Date

Owner(s)

_____ County, North Carolina

(5) Certificate of Disclosure of Public Purchase

I hereby certify that land identified within the subdivision plat shown hereon lies within the area of a designated proposed public water supply and may be subject to public purchase at a future date.

Subdivision Administrator

Date

(6) Certificate of Accuracy

I, _____, certify that under my direction and supervision this Map was drawn from an actual field land survey; that the Error of Closure is calculated by latitudes and departures is 1: _; that the boundaries not surveyed are shown as broken lines plotted from information in Book _____, Page _____, that this Map was prepared in accordance with G.S. 47-30 as amended.

WITNESS my hand and Seal this _____ day of _____, 20__.

Signature _____
Engineering or Land Surveyor

Registration Number _____

(7) Certificate of Approval, Major Subdivision

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the City of Trinity and provided that it is recorded in the Office of the Register of Deeds within 60 days of final approval by the City Council.

Subdivision Administrator

Date of Approval by City Council

(8) Certificate of Warranty

I hereby certify that I know of no defects from any cause and will fully warrant all improvements, which have been installed to be free from defects in material and workmanship for a period of one (1) year from

this date. Any improvements yet to be installed, I shall fully warrant in the same manner for a period of one (1) year from the date of the release of guarantees. In the event that facets are discovered in any such improvements during the warranty period, I shall replace and/or repair the defective improvement at my own expense.

Subdivider

date

Approved: 1997

Amended: January 18, 2005

March 3, 2005

October 18, 2005

March 21, 2006

April 16, 2006